

February 13, 2015

FOR IMMEDIATE RELEASE

Summary of February 5-6, 2015, Board Meeting

The following is a summary of the February 5-6, 2015, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 128 cases.

New Investigative Cases: The Board reviewed 45 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 1 Statement of Charges.

1. An Iowa-licensed physician who formerly practiced general medicine in Moline, Illinois, and currently practices in Chariton, Iowa, had formal disciplinary charges filed against him by the Board on February 6, 2015. On January 30, 2014, the physician was disciplined by the Illinois Division of Professional Regulation (Illinois Board) for prescribing multiple controlled substances to a patient in Moline, Illinois, between 2008 and 2011, without properly assessing and/or monitoring the patient for drug abuse or dependence, despite learning that the patient and his pregnant girlfriend were injecting the drugs and that the patient was selling the drugs to local drug users, at least three of whom died; providing Phentermine, a weight loss drug, to members of his office staff without establishing an appropriate physician-patient relationship, including physical examinations and medical records; and failing to produce medical records subpoenaed by the Illinois Board during its investigation. The Illinois Board suspended the physician's Illinois medical license for thirty days and the physician agreed to place his Illinois medical license and Illinois controlled substance licenses on inactive status. The Illinois Board also ordered the physician to pay a \$3,000 fine. The Iowa Board charged the physician with being disciplined by the Illinois Board. A hearing is scheduled on April 16, 2015.

Combined Statement of Charges and Settlement Agreements: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 4 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced nephrology in Mason City, Iowa, as well as outpatient renal dialysis clinics in Algona and Charles City, Iowa, and currently practices in Marshalltown, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 6, 2015. The Board alleged that the physician failed to conform to the acceptable practice of medicine when he failed to perform, and improperly documented and billed for, numerous face-to-face visits for patients at the outpatient renal dialysis clinics in Algona and Charles City, Iowa, between 2006 and 2012. The Board issued the physician a Citation and Warning and ordered him to pay a \$10,000 civil penalty and complete a Board-approved professional ethics program. The Board also placed the physician on probation for a period of three years subject to Board monitoring.
2. An Iowa-licensed physician who practices family medicine in Cedar Rapids, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 6, 2015. The Board alleged that the physician failed to provide appropriate pain management to multiple patients in Cedar Rapids, Iowa, between 2008 and 2013. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved professional ethics program and medical record keeping course. The Board also permanently prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of five years subject to Board monitoring, including prescription audits.
3. An Iowa-licensed physician who currently practices general medicine and emergency medicine in Marengo, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 6, 2015. On April 4, 2013, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged the physician with engaging in a pattern of unprofessional conduct, dishonesty and disruptive behavior in the practice of medicine. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved professional ethics program. The Board also placed the physician on probation for a period of five years subject to counseling and Board monitoring. The physician completed a comprehensive sexual misconduct evaluation on May 16, 2014, and a sexual misconduct treatment program on July 11, 2014. Under the terms of the February 6, 2015, combined Statement of Charges and Settlement Agreement, the Board charged the physician with engaging in sexual misconduct when he engaged in a consensual sexual relationship with a female patient in Marengo, Iowa, in 2011. The Board issued the physician a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also placed the physician on indefinite probation subject to counseling and Board monitoring. The physician is also required to have a Board-approved female healthcare provider chaperone continually present when treating female patients.

4. An Iowa-licensed physician who practices obstetrics and gynecology in Clive, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 6, 2015. The Board alleged that the physician engaged in a pattern of unprofessional conduct and disruptive behavior in Iowa when he: met socially with female obstetrical patients outside the clinical setting; treated a female obstetrical patient after hours at the clinic when no one else was present; prescribed controlled substances to a female obstetrical patient despite evidence of drug seeking behavior, including when she was pregnant; allowed female obstetrical patients to stay at his vacation home in Florida while he was present in the home; provided gifts and other items of value to female obstetrical patients; failed to maintain a timely medical record for a female obstetrical patient and asked a staff member to create a medical record for the patient after the visit; and yelled at, and/or made inappropriate or threatening statements, to nurses and co-workers on multiple occasions. On October 1, 2014, at the direction of the Board, the physician completed a Board-approved professional boundaries and/or sexual misconduct evaluation. Under the terms of the February 6, 2015, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also ordered him to transfer treatment of the female obstetrical patients discussed in the order to another provider for future care. The Board also ordered him to complete a Board-approved professional boundaries treatment program and continuing medical education. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances to patients who exhibit drug seeking behavior, drug abuse or diversion. The Board also placed him on probation for a period of five years subject to counseling and Board monitoring. Finally, the physician is required to have a Board-approved female healthcare professional chaperone continually present when treating female patients.

Settlement Agreements: After the Board has filed formal disciplinary charges against a licensee, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges. The Settlement Agreement contains the disciplinary sanctions.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who practices family medicine in Omaha, Nebraska, entered into a Settlement Agreement with the Board on February 6, 2015. On July 13, 2011, the Nebraska Department of Health and Human Services (Nebraska Board) disciplined the physician for engaging in a pattern of negligent practice in his treatment of three patients between December 2004 and November 2005 when he: ordered repeated, unnecessary sinus and chest x-rays; prescribed excessive and improper antibiotic therapy; and failed to refer patients to an otolaryngologist for specialty care. The Nebraska Board issued the physician a public censure, and ordered him to obtain a Board-approved practice monitor for a period of one year, successfully complete a comprehensive review course and pay a \$5,000 civil penalty. The physician has fully complied with the requirements established by the Nebraska Board. The physician's Iowa medical license has been inactive since January 1, 2003. On October 3, 2014, the Iowa Board charged the physician with being disciplined by the Nebraska Board. Under the terms of the February 6, 2015, Settlement Agreement, the Iowa Board issued the physician a Citation and Warning and he agreed to provide written notice to the Board at least ninety (90) days prior to seeking reinstatement of his Iowa medical license at which time he agrees to comply with any additional conditions ordered by the Board which are necessary to protect the public and ensure that he practices medicine with reasonable skill and safety.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from a physical, neurological or mental health condition, or substance abuse, or has engaged in unprofessional conduct, disruptive behavior or sexual misconduct, the Board may issue a confidential evaluation order requiring the physician to complete an evaluation at a Board-approved evaluation program. Additionally, if the Board receives evidence that a physician lacks the ability to practice medicine with reasonable skill and safety, the Board may issue a confidential evaluation order requiring the physician to complete a clinical competency evaluation at a Board-approved evaluation program.

The Board approved 1 Confidential Evaluation Order due to the following areas of concern:

1. Concerns that a physician violated professional boundaries and engaged in a pattern of unprofessional conduct.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 5 appearances due to the following concerns:

1. Concerns about a physician's treatment of a high-risk pregnancy, including testing, monitoring, documentation and failure to transfer the patient to a facility specializing in high-risk pregnancies.
2. Concerns that a physician prescribed controlled substances to a member of the physician's immediate family.
3. Concerns that a physician engaged in unprofessional conduct including threatening or intimidating behavior towards staff and/or patients.
4. Concerns that a physician engaged in sexual misconduct and unprofessional conduct.
5. Concerns that a physician prescribed controlled substances to a member of the physician's immediate family.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 11 confidential Letters of Warning or Education for the following areas of concern:

1. Concerns that a physician failed to transfer a mental health patient to another provider after the patient crossed appropriate physician-patient boundaries.
2. Concerns about a physician's treatment of a high-risk pregnancy, including testing, monitoring, documentation and failure to transfer the patient to a facility specializing in high-risk pregnancies.
3. Concerns that a physician prescribed controlled substances to a member of the physician's immediate family.
4. Concerns about a physician's treatment of a mental health patient, including the mental health evaluation and unprofessional comments.
5. Concerns about a physician's diagnosis and treatment of a patient with lung cancer.
6. Concerns about an attending physician's supervision of resident physicians who provided treatment of a high-risk pregnancy.
7. Concerns that a physician failed to perform appropriate diagnostic testing and monitoring of a patient's medication levels.

8. Concerns that a physician prescribed controlled substances to a member of the physician's immediate family.
9. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for failing to utilize appropriate safety measures for laser hair removal.
10. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for failing to diagnose and treat compartment syndrome.
11. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for prescribing controlled substances to himself and an immediate family member.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 7 physicians who are being monitored by the Board and held 3 physician appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 31 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Committee reviewed 8 licensure applications and granted 1 permanent license, reinstated 1 permanent license, and granted 2 temporary licenses. Three permanent applications were left open to obtain further information. The Committee recommended that one individual withdraw an application for permanent licensure.

The Committee granted a request for waiver of Iowa Administrative Code 653-9.7(1)(e)(1) which requires applicants to pass the USMLE exam sequence within a 10-year time limit. The Committee also granted a request for waiver of Iowa Administrative Code 653-9.15(2)(c) which requires 80 hours of Category 1 continuing medical education in the previous two years for reinstatement of a permanent license.

The Committee approved 7 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on applications for licensure.

In other action the Board:

- Voted to formally declare and register positions on several bills introduced in the 2015 legislative session, including licensure of anesthesiologist assistants (support), prescription authority for psychologists (oppose), licensure of naturopathic practitioners (oppose), and allowing a physician assistant to recommend to a magistrate, without a supervising physician's review and approval, that a mental health patient should be committed for treatment in an emergency situation (oppose).

- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 84 participants on January 31. There have been six new participants admitted to the program since January 31 and 29 discharges.
- Received reports from the Iowa Attorney General's Office on three disciplinary cases and one rulemaking case under judicial review in state courts. The Board was also notified that a recipient of a cease and desist letter is seeking a judicial review of the grounds for the letter.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on February 12, 2015. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.